

## WEST DUNBARTONSHIRE COUNCIL

At the Requisitioned Meeting of West Dunbartonshire Council held in the Council Chambers, Council Offices, Garshake Road, Dumbarton, on Wednesday 28 March 2007 at 2.00 p.m.

**Present:** Depute Provost Linda McColl and Councillors Denis Agnew, George Black, Margaret Bootland, Gail Casey, James Flynn, Jackie Maceira, Douglas McAllister, Duncan McDonald, Margaret McGregor, Craig McLaughlin, Marie McNair, Iain Robertson, Martin Rooney and Andy White.

**Attending:** David McMillan, Chief Executive; Ronnie Dinnie, Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services); Irving Hodgson, Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services); David Connell, Head of Finance; Stephen Brown, Head of Legal and Administrative Services; William Gibson, Section Head (Estates); and George Hawthorn, Senior Administrative Officer.

**Apologies:** Apologies for absence were submitted on behalf of Provost Alistair Macdonald and Councillors Dennis Brogan, Geoff Calvert, Tony Devine and James McCallum.

**Depute Provost Linda McColl in the Chair**

### BALLOCH TOILETS

**(a) Report by the Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services)**

11987 A report was submitted by the Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services) providing the Council with information relevant to the undernoted item of business and making a recommendation thereon.

**(b) Requisitioned Item of Business**

11988 The Council is asked to agree that the closure of the Balloch Toilets has had a devastating effect on the local economy and environment of the Balloch Community.

- 11989 To that end, the Council agrees to instruct officers to re-open the toilets throughout the summer period and prepare a report for the first available Council meeting after the elections for continued funding of Balloch, Levensgrove and Christie Park toilets over the entire year.
- 11990 Councillor McLaughlin, seconded by Councillor Black, moved as follows:-
- 11991 This Council agrees that closure of the Balloch Toilets has had a significant and unforeseen impact on the local economy and that their reopening is a priority.
- 11992 To that end the Council instructs the Chief Executive to:-
- Conduct necessary capital improvements to the facility;
  - Reopen the facility in time for the summer season;
  - Staff the facility accordingly;
  - To contact Scottish Water and Power directly to have the services reconnected as a matter of priority;
  - Retain the existing APC unit at Balloch Train Station;
  - Approach SED and the Park Authority for financial assistance towards both capital and revenue expenditure incurred by the Council;
  - Until the cocktail of funding can be determined, the Council will fund works from the reserves and work to restore the reserve in the current year;
  - Prepare a report for the long term future of the Balloch, Christie & Levensgrove parks toilet provisions; and
  - The report should focus on the retention of the toilets as a local council provision and should develop long term revenue budget provision and income streams.
- 11993 As an amendment, Councillor Rooney, seconded by Councillor Bootland, moved:-
- 11994 Council agrees to support the Balloch community's desire to take ownership and control of the toilets at Carrochan Road, Balloch. To this end the Council requests that the Director of Housing, Regeneration & Environmental Services (Land and Environmental Services) confirms that the property is surplus to his Department's requirements. Thereafter, the issue of disposal is to be referred to the Corporate Services Committee for implementation.
- 11995 It is the recommendation of this Council that the transfer of ownership of the property to the Balloch Community Asset Management Committee be conducted under terms agreeable to both parties, including the transfer of the asset at nil cost, or to lease the property to Balloch Community Asset Management Committee at a nominal rate.

- 11996 The Director is further requested to support the Balloch Community Asset Management Committee in developing its business plan in order to obtain a funding package for capital works to upgrade the toilet facility and to help identify potential funding streams to meet anticipated revenue costs of the facility.
- 11997 The Council will encourage the Community Planning Partnership and the Dunbartonshire Economic Forum to become involved in helping us to identify sustainable funding streams.
- 11998 In the meantime, the Council agrees to the proposal to re-open the Balloch toilets over the summer period 2007 and the amount up to £11k to bring the property up to an acceptable condition be taken from the Council's Capital Programme.
- 11999 A further report is to be presented to a future Council meeting following the elections in May. The report should outline the funding provision for Balloch toilets, and the continued funding of Dalmuir Park toilets, Christie Park Toilets and Levensgrove Toilets over the full year.
- 12000 On a vote being taken, 7 Members voted for the amendment and 8 for the motion, which was accordingly declared carried.

### **WHEELCHAIR ACCESSIBLE TAXIS**

- 12001 Having heard Depute Provost McColl and following a vote, the Council agreed to suspend Standing Order No 16 in order to consider the undernoted item as a period of six months had not passed since the Licensing Committee had made a decision to approve the policy referred to therein.
- (a) Report by the Head of Legal and Administrative Services**
- 12002 A report was submitted by the Head of Legal and Administrative Services providing the Council with information relevant to the undernoted item of business.
- (b) Requisitioned Item of Business**
- 12003 The Council is asked to agree that the requirement for Taxis to be 100% wheelchair accessible, while a worthwhile target, has had an unforeseen and significant impact on elderly members of the community.
- 12004 The Council accepts that the policy of 100% compliance is using a sledgehammer to crack a nut and is not a sustainable policy. The Council also accepts that the taxi trades initial reluctance to deliver more wheelchair accessible vehicles has led to this position.

- 12005            However after the independent report commissioned by the Council found that 23 wheelchair accessible taxis is the general ideal figure at this time to meet the current demand, it is felt that 100% compliance cannot be justified at the present time.
- 12006            The Council agrees that the taxi trade must accept responsibility for ensuring that the primary role for designated wheelchair accessible taxis is to transport wheelchair users and other disabled patrons, and failure to do so may well result in the re-implementation of a requirement for the total compliance.
- 12007            Therefore, this Council agrees to revoke the recent 100% compliance policy, which was introduced requiring all taxis to be wheelchair accessible. The Council agrees to look at the feasibility of creating/ converting 23 wheelchair accessible taxis in order to ensure that there are sufficient wheelchair accessible vehicles on the road. A report should be submitted to the relevant Committee of the Council after the Head of Legal and Administrative Services has liaised with the taxi trade and elderly and disabled groups on the matter of compliance, conversion and enforcement.
- 12008            Councillor McLaughlin, seconded by Depute Provost McColl, moved as follows:-
- 12009                        This Council thanks the Head of Legal and Administrative Services for his report and the work conducted on this issue.
- 12010                        This Council accepts that the policy of 100% compliance is using a sledgehammer to crack a nut.
- 12011                        The Council also acknowledges that the reluctance of the taxi trade to provide sufficient wheelchair accessible vehicles has led to the current position.
- 12012                        While a fully wheelchair accessible fleet is desirable it is not justified at this time. A recent consultant's report recommends a minimum of 23 vehicles.
- 12013                        The Council agrees that the taxi trade must accept responsibility for ensuring that the primary role for designated wheelchair accessible taxis is for the transport of wheelchair users and other disabled patrons. Failure of the taxi trade to enforce this requirement will result in the re-implementation of a 100% fleet compliance.
- 12014                        Therefore the Council also agrees to revoke the recent 100% compliance policy. Officers are instructed to negotiate with taxi trade/users, elderly & disabled forums on the issues of implementation of a 23 vehicle wheelchair accessible fleet.

- 12015 Officers are also instructed to submit a report to the relevant Council or Committee meeting on the issues of compliance, conversion & enforcement of this 23 vehicle requirement.
- 12016 In addition the Council reserves the right to increase the number of compliant vehicles, should sufficient evidence be presented to it showing an increase in wheelchair accessible taxi demand.
- 12017 The Council also accepts that the taxi trade must ensure co-operation, compliance and conversion of sufficient vehicles to meet the policy otherwise it may result in the re-instatement of a 100% compliance requirement.
- 12018 A deadline for the 23 vehicle compliance of one year should also be agreed by the Council. Failure of the trade to provide 23 vehicles on the road within this deadline will result in the 100% compliance policy being reconsidered.
- 12019 As an amendment, Councillor Bootland, seconded by Councillor McAllister, moved:-
- 12020 That the Council approves the recommendations of the report as follows:-
- (1) to note the contents of the report; and
  - (2) to reaffirm the decision of the Licensing Committee on 10 January 2007 in relation to the issue of taxi accessibility in the Dumbarton and Vale of Leven Taxi Licensing Zone.
- 12021 On a vote being taken, 6 Members voted for the amendment and 8 for the motion, which was accordingly declared carried.

### **CORDALE HOUSING ASSOCIATION AND PROPERTIES IN RENTON AND ALEXANDRIA**

- 12022 Having heard Depute Provost McColl and following a vote, the Council agreed to suspend Standing Order No 16 in order to consider the undernoted item as a period of six months had not passed since the Community Safety and Environmental Services Committee made a decision in respect of the Millburn Depot.
- (a) Report by Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services)**
- 12023 Submit report by the Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services) providing the Council with information relevant to the undernoted item of business.

**(b) Requisitioned Item of Business**

- 12024 The Council gives consideration to requests to the disposal of the following sites in Renton and Alexandria at market value to Cordale Housing:-
- 12025 Site A - Small semi derelict unused open space at the rear of Tontine Crescent to facilitate the construction of a mixed housing development in Dalquhurn, Renton.
- 12026 Site B - Millburn Depot in Renton again to facilitate a mixed housing development on that site when the land is vacated by Argyll & Bute Council.
- 12027 Site C - The Kippen Dairy Site in Alexandria.
- 12028 Councillor Mclaughlin, seconded by Councillor Agnew, moved;-
- 12029 This Council agrees that there has been a reduction in socially rented housing across West Dunbartonshire.
- 12030 The Council also acknowledges that the increase in prices and demand for housing and land has resulted in most housing associations being disadvantaged.
- Tontine Crescent
- 12031 The Council agrees to instruct officers to continue to meet and assist Cordale Housing Association with the development proposals for the Dalquhurn Site.
- 12032 The Council also agrees that it should assist wherever possible in providing support and assistance to the Association in creating additional accesses to the development site.
- 12033 The Council also agrees that any land identified during development and access discussions as being required should be made available to the Association for purchase.
- Milburn Depot
- 12034 The Council agrees that the Milburn depot offers the Council an additional opportunity to promote socially led housing development.
- 12035 To that end the Council agrees that the depot/land, when available, should be made available for a mixed, socially rented led, development.

- Kippen Dairy Site

- 12036 The Council agrees that the Kippen Dairy site should only be developed as part of a Master Plan approach to the entire area.
- 12037 The Council also agrees that to sell the land at this point would not be appropriate and recognises local community objections to its disposal before the outcome of the master plan is known.
- 12038 In addition, the Council agrees that there is a need to identify suitable land resources, with community support, for the needs of the local housing associations.
- 12039 To that end the Council agrees that officers should meet and discuss the land requirements of all local housing associations and compile a report detailing those needs. The report should be presented in conjunction with the housing demands and supply report by the independent consultants.
- 12040 As an amendment, Councillor Rooney, seconded by Councillor Casey, moved:-
- 12041 The Council notes from the report by the Acting Director of HRES that no disposals of property can be concluded by the end of the financial year in three days time. This Council notes also that by agreeing to a disposal of a site without market testing, the Council is at risk of not achieving the true value of an asset and thus of not achieving Best Value for the people of West Dunbartonshire.
- 12042 This Council notes with alarm the request to consider disposal of assets in a manner that is rushed and is neither open nor transparent. The ink is hardly dry on the Audit Scotland report and its endorsement by the Accounts Commission in which specific criticism was levied at the Council for elements of its lack of transparency in its decision-making. This Council has given its commitment to accept the recommendations of the Audit Scotland report. It is not inclined to renege on its commitment simply because an election is due.
- 12043 Whilst this Council recognises the significant advantages that have been brought about by successful partnership working with Cordale Housing Association, this Council agrees all of the recommendations of the Acting Director of HRES at paragraph 8.1 of his report.
- 12044 As a further amendment, Councillor Black, seconded by Councillor Flynn, moved:-

12045 That the Council instructs officers to engage in dialogue with the Cordale Housing Association on the disposal of the undernoted sites:-

12046 Site A - Small semi derelict unused open space at the rear of Tontine Crescent to facilitate the construction of a mixed housing development in Dalquhurn, Renton.

12047 Site B - Millburn Depot in Renton again to facilitate a mixed housing development on that site when the land is vacated by Argyll & Bute Council.

12048 Site C - The Kippen Dairy Site in Alexandria.

12049 On a vote being taken between the first and second amendment, 9 Members voted for the second amendment and 5 for the first amendment.

12050 On a further vote being taken between the second amendment and the motion, 2 Members voted for the amendment and 9 for the motion which was accordingly declared carried.

### **AUDIT AND PERFORMANCE REVIEW**

12051 Given the resignation of Councillor Denis Agnew as the Chair/Convener of Audit due to his new post as Leader of the Council, the Council agrees that Councillor Dennis Brogan be appointed as the new Chair/Convener.

12052 Councillor Agnew, seconded by Councillor Flynn, moved:-

12053 That Councillor Dennis Brogan be appointed as the new Chair of the Audit and Performance Review Committee and Spokesperson for Audit and Performance Review.

12054 As an amendment, Councillor Rooney, seconded by Councillor Bootland, moved:-

12055 Given that there are no further meetings of the Audit and Performance Review Committee of the Council prior to the Council election on 3 May, this Council sees no value to the residents of West Dunbartonshire in paying a Special Responsibility Allowance for a non-existent post.

12056 Accordingly, this Council will not fill the vacancy of Convener until after the Council elections.

12057 On a vote being taken, 5 Members voted for the amendment and 10 for the motion, which was accordingly declared carried.

**URGENT ITEM OF BUSINESS**

- 12058 In accordance with Standing Order No 7, Depute Provost McColl informed the Council that she had agreed to allow the undernoted item of business on the Removal of Nursery Discounts to be considered at this meeting of Council as a matter of urgency.

**REMOVAL OF NURSERY DISCOUNTS**

- 12059 Having heard the Head of Legal and Administrative Services, the Council agreed to suspend Standing Order No 16 in order to consider the undernoted proposal as a period of six months had not passed since the Children's Services Committee made a decision on the matter.
- 12060 Having heard Councillor Maceira, the Council unanimously agreed to approve the undernoted motion:-
- 12061 This Council recognises the importance of having excellent child care facilities for parents returning to work. Nurseries are a valued service provider for working parents.
- 12062 The removal of nursery discounts will result in parents being £8,000 to £10,000 worse off and could potentially force parents to seek alternative employment.
- 12063 I would like to raise a motion recommending the Council suspends the decision for further consultation and this item can be fully discussed at the next meeting of the Children's Services Committee.
- 12064 For working parents their children's safety and wellbeing is paramount and the waiting list for nurseries proves this is vital service which gives parents peace of mind during their working hours.

The meeting closed at 3.30 p m.